district court of the United States
for the _____________district of________

UNITED STATES OF AMERICA CASE #_________________
PLAINTIFF, FICTITIOUS FOREIGN STATE

Vs JUDGE ________________

____

Petitioner/Administrator

TAKE JUDICIAL NOTICE AND ADMINISTRATIVE NOTICE; IN THE NATURE OF A WRIT OF ERROR, *CORAM NOBIS*, AND A DEMAND FOR DISMISSAL FOR FAILURE TO STATE THE PROPER JURISDICTION AND VENUE

TAKE JUDICIAL NOTICE AND ADMINISTRATIVE NOTICE; IN THE NATURE OF A WRIT OF ERROR, *CORAM NOBIS*, AND A DEMAND FOR DISMISSAL FOR FAILURE TO STATE THE PROPER JURISDICTION AND VENUE

Now comes Petitioner/Administrator, ___________________ , a non-corporate entity with this JUDICIAL NOTICE AND ADMINISTRATIVE NOTICE; IN THE NATURE OF A WRIT OF ERROR, *CORAM NOBIS*, AND A DEMAND FOR DISMISSAL FOR FAILURE TO STATE THE PROPER JURISDICTION AND VENUE Pursuant to FRCP Rule 4 (j).

This Court is defined under FRCP Rule 4 (j) as a FOREIGN STATE as defined under 28 USC, CHAPTER 97—JURISDICTIONAL IMMUNITIES OF FOREIGN

STATES, Sec. 1602 -1611. The FOREIGN SOVEREIGN IMMUNITIES ACT (FSIA) allows the petitioner to challenge jurisdiction, therefore full disclosure of the true jurisdiction of this Court is now being Demanded.

Any failure to disclose the true jurisdiction is a violation of **15 Statutes at Large, Chapter 249 (section 1), enacted July 27, 1868**

> Chap. CCXLIX. ---An Act concerning the Rights of American Citizens in foreign States
>
> Whereas the rights of expatriation is a nature and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness; and whereas in the recognition of this principle this government has freely received emigrants from all nations, and invested them with the right of citizenship; and whereas it is claimed that such American citizens, with their descendants, are subjects of foreign states, owing allegiance to the government thereof; and whereas it is necessary to the maintenance of public peace that this claim of foreign allegiance should be promptly and finally disavowed; Thereof.
>
> Be it enacted by the Senator and the House of Representatives of the United States of American in Congress assembled, That any declaration, instruction, opinion, order, or decision, of any officers of is government which denies, restricts, impairs or questions the rights of expatriation, is hereby declared inconsistent with the fundamental principles of this government.

As an America Citizen, I hold the inherent right of the 11th Amendment. "The judicial power shall not be construed to extend to any suit in law or equity, commenced or prosecuted by a Foreign State." If this FOREIGN STATE is misusing the name of this America Citizen by placing it in all caps or misusing the last name or using the term “person” as a CORPORATION, all complaints and suits against such CORPORATION

fall under the FSIA and the DEPT OF STATE OFFICES in Washington DC. DC had to be notified pursuant to 22 CFR 93.1-93.2. This procedure was not followed by the Plaintiff(s). A copy of the FSIA has to be filed with the complaint to the Defendant's agent and the chief executive officer of that CORPORATION.

Any MUNICIPAL, COUNTY, OR STATE COURT lacks jurisdiction to hear any case under the FOREIGN STATE definitions. This jurisdiction lies with the UNITED STATES DISTRICT COURT under the FSIA Statutes pursuant to 28 USC sec. 1330.

Because the Defendant is a non-corporate entity, and is not registered with any Secretary of State as a CORPORATION, the Prosecution has **FAILED** to state a claim to which relief can be granted under 12(b) (6). Therefore this matter must be dismissed for lack of political, personam, subject matter jurisdiction, and Venue under the 11th Amendment.

The Petitioner is now placing a Demand for jurisdiction and venue change under new discovery of information of fraud and failure of disclosure by the Court, the prosecution and by the / an attorney, and, therefore a dismissal of charges, with prejudice, in favor of this Petitioner is Demanded because of fraud placed upon the court. (see Hazel-Atlas Glass Co. v. Hartford-Empire Co., 322 U.S. 238 (1944)).

The first issue of fraud is the deception of the Court's proper Name from that of the People's proper Constitutional court to that of the corporation court name.

a) the fact that the petitioner has been denied the use of constitutionally protected rights under the Bill of Rights, and

b) the fact that the Petitioner has been denied the use of this States' and the federal statutory laws as a defense, and

c) and the denial of the use of Acts of Congress, and

d) that this action is a direct violation of the Clearfield Trust Doctrine.

The second issue of fraud is that "there is but one cause of action and that is civil," and this Court has this Petitioner in a "criminal action."

The third issue of fraud is that all criminal action comes under Title 50 USC, chapter 3, Alien Enemy, in Appendix section 23, Jurisdiction of the United States court and judges.

a) This Court has fraudulently allowed the prosecution and attorneys in declaring (or assuming) this Petitioner is an "enemy of the State" by the use of the "State of Emergency," under

b) The 1933 national State of Emergency clause resulting in the kidnapping and extortion with intent to cause harm to this petitioner, and

c) This was not disclosed to the petitioner by the Court, the prosecution or by the attorney/s at the time of arraignment, trial or sentencing, and, see:

> TITLE 50, APPENDIX App. > TRADING WITH THE ENEMY ACT OF 1917,
>
> § 21
>
> § 21. Claims of naturalized citizens as affected by expatriation
>
> The claim of any naturalized American citizen under the provisions of this Act [sections 1 to 6, 7 to 39, and 41 to 44 of this Appendix] shall not be denied on the ground of any presumption of expatriation which has arisen against him, under the second sentence of section 2 of the Act entitled “An Act in reference to the

> expatriation of citizens and their protection abroad," approved March 2, 1907, if he shall give satisfactory evidence to the President, or the court, as the case may be, of his uninterrupted loyalty to the United States during his absence, and that he has returned to the United States, or that he, although desiring to return, has been prevented from so returning by circumstances beyond his control.

The fourth issue of fraud is that the Court, the prosecution and the attorney all have full knowledge of the 1959 Executive Order 10834 that placed this Court under the State of Emergency and under jurisdiction the presidential flag and of military jurisdiction.

a) This Court and its Court officers are in violation of the Military Commission Act, and

b) in violation of the General Orders 100 under the Lieber Code ("INSTRUCTIONS for the GOVERNMENT OF ARMIES of THE UNITED STATES IN THE FIELD" prepared by Francis Lieber, LL.D., (Originally issued as GENERAL ORDERS No. 100, Adjutant General's Office, 1863)), and

c) of Executive Order 10834, Sec. 24.

> (a) The Secretary of Defense in respect of procurement for the Department of Defense (including military colors) and the Administrator of General Services in respect of procurement for executive agencies other than the Department of Defense may, for cause which the Secretary or the Administrator, as the case may be, deems sufficient, make necessary minor adjustments in one or more of the dimensions or proportionate dimensions prescribed by this order, or authorize proportions or sizes other than those prescribed by section 3 or section 21 of this order.

The Petitioner now Demands a proper jurisdiction and a venue change to the People's Constitutional Article III court, and for the court to function in good behavior or

for this action to be dismissed, with prejudice, in favor of this Petitioner.

> TITLE 28 > PART IV > CHAPTER 99 > § 1631
> § 1631. TRANSFER TO CURE WANT OF JURISDICTION
> Whenever a civil action is filed in a court as defined in section 610 of this title or an appeal, including a petition for review of administrative action, is noticed for or filed with such a court and that court finds that there is a want of jurisdiction, the court shall, if it is in the interest of justice, transfer such action or appeal to any other such court in which the action or appeal could have been brought at the time it was filed or noticed, and the action or appeal shall proceed as if it had been filed in or noticed for the court to which it is transferred on the date upon which it was actually filed in or noticed for the court from which it is transferred.

Now the Petitioner will point out in the federal statutes the ways the Court names are spelled, and how they spell out the jurisdiction of the courts.

Under Title 28, sec 1391 this court under the heading of The United States District Court or United States district court falls under chapter 97 JURISDICTIONAL IMMUNITIES OF FOREIGN STATES as a Foreign State Court.

a) This information was not properly disclosed at the time of the filing in this case by the clerk of court, or

b) it was not disclosed by the Court / judge, or

c) by the Prosecution, or

d) by a / the attorney(s) at the time of arraignment, trial or sentencing.

<u>Failure To Disclose The Foreign Sovereign Immunities Act of l976</u>

1. Under such Court action the Petitioner was never properly served per Fed. R. Civ. P. under Rule 4 (j).

2. The Petitioner, under such foreign status and / or jurisdiction, has immunities under the International Organizations Immunities Act (IOIA) Of 1945, HR 4489, P.L.291, 59 STAT 669. This is an Act of Congress as defined under 28 USC § 1652

3. The Petitioner also holds immunities under 49 stat 3097, Treaty Series 881, Rights and Duties of the States. This is an Act of Congress defined under § 1652.

4. The Petitioner also holds immunities under the 11th Amendment of the U.S. Constitution which was also an Act of Congress, and under the U.S. Constitution as defined under 28 USC, §§ 1331 and 1652.

Petitioner will point out that 28 USC, sec. 610 clearly shows the **district court of the United States** is the correct jurisdiction and venue as an Article III court to hear this Petitioner's grievances under the bankruptcy of the united States which is just one of the issue before this court. The STATE OF ______________ / UNITED STATES OF AMERICA is / was aware of the 1933 bankruptcy, and in Title 12, chapter 2, section 95, 95(a), and 95(b) that a declared state of emergency has been declared by many Presidents of the united State of America.

US Code - Title 28: Judiciary and Judicial Procedure

> 28 USC 610 - Sec. 610. Courts defined
> As used in this chapter the word "courts" includes the courts of appeals and **district courts of the United States,** the United States District Court for the District of the Canal Zone, the District Court of Guam, the District Court of the Virgin Islands, the United States Court of Federal Claims, and the Court of International Trade.

You will not find in the United States Code any jurisdiction or venue for the "UNITED STATES DISTRICT COURT" / "U.S. DISTRICT COURT" as all other courts have been correctly named and defined by legislative enactment and are being pointed out in this filing.

1. Title 28 USC under § 1331.
The **district courts** shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.

2. This is an Act of Congress as defined under § 1343.

§ 1343. Civil rights and elective franchise

(a) The **district courts** shall have original jurisdiction of any civil action authorized by law to be commenced by any person:

(1) To recover damages for injury to his person or property, or because of the deprivation of any right or privilege of a citizen of the United States, by any act done in furtherance of any conspiracy mentioned in section 1985 of Title 42;

(2) To recover damages from any person who fails to prevent or to aid in preventing any wrongs mentioned in section 1985 of Title 42 which he had knowledge were about to occur and power to prevent;

(3) To redress the deprivation, under color of any State law, statute, ordinance, regulation, custom or usage, of any right, privilege or immunity secured by the Constitution of the United States or by any Act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States;

3. TITLE 28 > PART V > CHAPTER 111 > § 1652

§ 1652. State laws as rules of decision

The laws of the several states, except where the Constitution or treaties of the United States or **Acts of Congress** otherwise require or provide, shall be regarded as rules of decision in civil actions in the courts of the United States, in cases where they apply.

The Courts

First Court;

TITLE 18 > PART I > CHAPTER 1 > § 23.1
§ 23.1 Court of the United States defined

As used in this title, except where otherwise expressly provided the term "**court of the United States"** includes the District Court of Guam, the District Court for the Northern Mariana Islands, and the District Court of the Virgin Islands.

Second Court;

TITLE 26 App. > TITLE II, THE COURT > Rule 10

Rule 10. Name, Office, and Sessions

(a) Name: The name of the Court is the United States Tax Court.

(b) Office of the Court: The principal office of the Court shall be in the District of Columbia, but the Court or any of its Divisions may sit at any place within the United States. See Code secs. 7445 and 7701(a)(9).

(c) Sessions: The time and place of sessions of the Court shall be prescribed by the Chief Judge.

(d) Business Hours: The office of the Clerk at Washington, D.C., shall be open during business hours on all days, except Saturdays, Sundays, and legal holidays in the District of Columbia, for the purpose of receiving petitions, pleadings, motions, and other papers. Business hours are from 8:00 a.m. to 4:30 p.m. For l egal holidays, see Rule 25(b).

(e) Mailing Address: Mail to the Court should be addressed to the United States Tax Court, 400 Second Street, N.W., Washington, D.C. 20217. Other addresses, s uch as locations at which the Court may be in session, should not be used, unless the Court directs otherwise.

TITLE 26 > Subtitle F > CHAPTER 76 > Subchapter A > § 7402

§ 7402. Jurisdiction of district courts

(a) To issue orders, processes, and judgments

The **district courts of the United States** at the instance of the United States shall have such jurisdiction to make and issue in civil actions, writs and orders of injunction, and of ne exeat republica, orders appointing receivers, and such other orders and processes, and to render such judgments and decrees as may be necessary or appropriate for the enforcement of the internal revenue laws. The r emedies hereby provided are in addition to and not exclusive of any and all other remedies of the United States in such courts or otherwise to enforce such laws.

TITLE 26 > Subtitle F > CHAPTER 76 > Subchapter A > § 7403

§ 7403. Action to enforce lien or to subject property to payment of tax

(a) Filing

In any case where there has been a refusal or neglect to pay any tax, or to discharge any liability in respect thereof, whether or not levy has been made, the Attorney General or his delegate, at the request of the Secretary, may direct a civil action to be filed in a **district court of the United States** to enforce the lien of the United States under this title with respect to such tax or liability or to subject any property, of whatever nature, of the delinquent, or in which he has any right, title, or interest, to the payment of such tax or liability. For purposes of the preceding sentence, any acceleration of payment under section 6166(g) shall be treated as a neglect to pay tax.

Third Court; under Tax issue.

TITLE 26 > Subtitle F > CHAPTER 78 > Subchapter A > § 7604

§ 7604. Enforcement of summons

(a) Jurisdiction of district court

If any person is summoned under the internal revenue laws to appear, to testify, or to produce books, papers, records, or other data, the **United States district court**

> for the district in which such person resides or is found shall have jurisdiction by appropriate process to compel such attendance, testimony, or production of books, papers, records, or other data.

A) Upon the filing into the UNITED STATES DISTRICT COURT the IRS Attorney(s) has committed fraud for failure to file their issue before the correct court name as found in their own IRS CODES section. This failure violates the Rules of Ethics which "ALL ATTORNEYS" are required to follow per the sworn Oath that was given by them. The proper court heading is **United States Tax Court** Not the UNITED STATES DISTRICT COURT.

B) Such filing into the UNITED STATES DISTRICT COURT now comes under jurisdiction challenge per 28 USC § 1631. Transfer to cure want of jurisdiction. The Petitioner will continue to point out further errors of the Attorney(s) for the IRS and that the two other courts listed in their Title 26 Codes sections are the United States district court and the district court of the United States.

C) These IRS agents willfully failed to file into the correct jurisdiction and venue with willful intent to defraud the court and the defendants, causing harm, and injuries, and to cause all filings of the Plaintiff(s) to be dismissed under 12(b) because there is no correct setting of jurisdiction or venue before the court.

D) The People have not been made aware of this fraud upon the court and themselves until now. 28 USC, sec. 1631, however, allows the defendant(s) to correct this and place their case(s) under the Article III "district court of the United States" under control of and

jurisdiction of sections 1331 and 1340.

E) The IRS is, by definition, an agency of a foreign State based in Puerto Rico in one of the territories of the UNITED STATES, Not a State of the United States. As the defendants are not citizens of such a territory the Attorney(s) for the IRS has committed and created intentional fraud upon the Court.

Fourth Court;

TITLE 28 > PART IV > CHAPTER 87 > § 1391

§ 1391. Venue generally

(f) A civil action against a foreign state as defined in section 1603(a) of this title may be brought—

(1) in any judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated;

(2) in any judicial district in which the vessel or cargo of a foreign state is situated, if the claim is asserted under section 1605(b) of this title;

(3) in any judicial district in which the agency or instrumentality is licensed to do business or is doing business, if the action is brought against an agency or instrumentality of a foreign state as defined in section 1603(b) of this title; or

(4) in the **United States District Court for the District of Columbia** if the action is brought against a foreign state or political subdivision thereof.

Fifth Court;

US Code - Title 28: Judiciary and Judicial Procedure

28 USC 610 - Sec. 610. Courts defined

As used in this chapter the word "courts" includes the courts of appeals and **district courts of the United States,** the United States District Court for the District of the Canal Zone, the District Court of Guam, the District Court of the

Virgin Islands, the United States Court of Federal Claims, and the Court of International Trade.

Sixth Court;

The UNITED STATES DISTRICT COURT

There is NO Code, Rule, Regulation, Law, Congressional Act, etc., that authorizes the UNITED STATES DISTRICT COURT.

Now the Petitioner(s) has pointed out in each of the federal statutes cited the ways the five existing Court names are spelled, and spells out the jurisdiction of those courts. There are no Federal Statutes, etc. that show that the UNITED STATES DISTRICT COURT or the U.S. DISTRICT COURT exists or has any jurisdiction or venue as they misuse the jurisdiction given to the "district court of the United States" in Title 28 USC for the "district court" jurisdiction and venue section.

Other Definitions

Corpus Juris Secundum "*The Body of Law*" or Legal encyclopedia, Volume 7, Section 4: as quoted:

"Attorney & client: An Attorney's "first" duty is to the Courts (1st) and the public (2nd) and not to the client (3rd), and wherever the duties to an attorney's client "conflict" with those interests that he/she owes his allegiance to, as an officer of the court in the administration of justice, the former must yield to the latter."

BLACK'S LAW DICTIONARY FIFTH EDITION

The Biggest problem today is that the People do not know their own rights and blindly entrust their rights to someone else.

Foreign Court

The courts of a foreign state or nation. In the United States, this term is frequently applied to the courts of one of the states when their judgment or records are introduced in the courts of another.

Foreign jurisdiction

Any jurisdiction foreign to that of the forum; e.g. a sister state or another country. Also the exercise by a state or nation jurisdiction beyond its own territory. Long-arm Service of process is a form of such foreign or extraterritorial jurisdiction

Foreign laws

The laws of a foreign country, or of a sister state. In conflict of law, the legal principle of jurisprudence which are part of the law of a sister state or nation. Foreign laws are additions to our own laws, and in that respect are called "jus receptum"

Foreign corporation

A corporation doing business in one state though chartered or incorporated in another state is a foreign corporation as to the first state, and, as such, is required to consent to certain conditions and restriction in order to do business in such first state. Under federal tax laws, a foreign corporation is one which is not organized under the law of one of the states or territories of the United States. I.R.C. § 7701 (a) (5). Service of process on foreign corporation is governed by the Fed. R. Civ. P. 4 See also Corporation

TITLE 26 - INTERNAL REVENUE CODE, Subtitle F - Procedure and Administration, CHAPTER 79 – DEFINITIONS

Sec. **7701.** Definitions

(5) Foreign. The term "foreign" when applied to a corporation or partnership means a corporation or partnership which is not domestic.

Foreign service of process

Service of process for the acquisition of jurisdiction by a court in the United States upon a person in a foreign country is prescribed by Fed R. Civ. P. 4 (i) and 28 U.S.C.A. § 1608. Service of process on foreign corporation is governed by Fed. R. Civ. P. 4(d) (3)

Foreign states

Nations which are outside the United States. Term may also refer to another state; i.e. a sister state.

Foreign immunity

With respect to jurisdiction immunity of foreign nation, see 28 U.S.C.A 1602 et seq.

Profiteering

Taking advantage of unusual or exceptional circumstance to make excessive profit; e.g. selling of scarce or essential goods at inflated price during time of emergency or war.

Person

In general usage, a human being (i.e. natural person), though by statute the term may include a firm, labor organizations, partnerships, associations, corporations, legal representative, trustees, trustees in bankruptcy, or receivers. National Labor Relations Act, §2(1). A corporation is a "person" within the meaning of equal protection and due process provisions of the United States Constitution.

Writ of error coram nobis

A common-law writ, the purpose of which is to correct a judgment in the same court in which it was rendered, on the ground of error of fact, for which it was statutes provides no other remedy, which fact did not appear of record, or was unknown to the court when judgment was pronounced, and which ,if known

would have prevented the judgment, and which was unknown, and could of reasonable diligence in time to have been otherwise presented to the court, unless he was prevented from so presenting them by duress, fear, or other sufficient cause.

At common law in England, it issued from the Court of Kings Bench to a judgment of that court. Its principal aim is to afford the court in which an action was tried and opportunity to correct it own record with reference to a vital fact not known when the judgment was rendered. It is also said that at common law it lay to correct purely ministerial errors of the officers of the court.

____

Name

Address

Phone number

PROOF OF SERVICE

Now. Comes the Petitioner/Administrator, ___________________ , to place upon the clerk of courts for the district court of the United States in the _____________ district for _______________ this filing to be placed in a court of record: JUDICIAL NOTICE AND ADMINISTRATIVE NOTICE; IN THE NATURE OF A WRIT OF ERROR, *CORAM NOBIS*, AND A DEMAND FOR DISMISSAL FOR FAILURE TO STATE THE PROPER JURISDICTION AND VENUE on this _____ day in the month of ___________ in the year of our Lord, 2012 AD.

____

Name
Address
Phone number

Cc: